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INSTITUTIONAL AND BUDGETARY MATTERS

ARRANGEMENTS FOR RELOCATION OF THE CONVENTION SECRETARIAT TO BONN

Note by the secretariat

I. INTRODUCTION

1. Following the acceptance by the Conference of the Parties (COP), at its first session, of the offer made by the Government of the Federal Republic of Germany to host the Convention secretariat, the COP invited "the Executive Secretary of the interim secretariat to consult the authorities of the host Government regarding arrangements for the smooth transition from the interim to the Convention secretariat" (FCCC/CP/1995/7/Add.1, decision 16, para. 2).

2. One of the main topics of these consultations has been the legal regime for the establishment of the Convention secretariat in Germany. This matter also involves the United Nations, to which the Convention secretariat is institutionally linked and which has concluded an agreement with the Government of Germany concerning the headquarters of the United Nations Volunteers Programme (UNV), which is also to be relocated from Geneva to Bonn. That agreement provides that it may be made applicable, mutatis mutandis, to entities such as the Convention secretariat. The secretariat is thus covered by this provision, as also by related instruments regulating the occupancy and use of the United Nations premises in Bonn.

3. Consultations are also proceeding with the Government of Germany on practical arrangements for the relocation of the Convention secretariat to Bonn, including the elements of financial and material support contained in the offer of that Government to the COP.

4. At its meeting on 31 October 1995, the Bureau of the COP noted the intention of the Convention secretariat to report on these matters to the Subsidiary Body for Implementation (SBI), to seek necessary guidance and to obtain a mandate to conclude a headquarters agreement, as appropriate.

5. The present note provides information to the SBI on these matters and seeks, in particular, appropriate action to clarify the juridical personality and legal capacity of the Convention secretariat. In this connection, it would be the intention of the Executive Secretary to conclude and sign, with the United Nations and the Government of Germany, an appropriate agreement that applies, mutatis mutandis, the terms of the Agreement already entered into between the United Nations and the Government of Germany regarding the headquarters of UNV.

6. Guidance is also sought on modalities for maintaining channels of communication between the secretariat and Parties during and after the relocation of the secretariat to Bonn.

II. LEGAL ARRANGEMENTS FOR THE UNFCCC SECRETARIAT

7. It will be recalled that the COP, at its first session, decided that "the Convention secretariat shall be institutionally linked to the United Nations, while not being fully integrated in the work programme and management structure of any particular department or programme" (emphasis added) (FCCC/CP/1995/7/Add.1, decision 14, para. 2). As a consequence of this particular status of the Convention secretariat, the legal regime enjoyed by the United Nations cannot be extended automatically to the Convention secretariat.

8. Nevertheless, the agreement between the United Nations and the Government of Germany regarding the headquarters of UNV, signed in New York on 10 October 1995, provides in Article 4, paragraph 3, that "this agreement may also be made applicable mutatis mutandis to other intergovernmental entities, institutionally linked to the United Nations, by agreement among such entities, the Government and the United Nations." This provision was intended to cover, inter alia, the Convention secretariat.

9. Accordingly, the Executive Secretary is pursuing discussions with the Government of Germany and the United Nations Office of Legal Affairs, in order to draw up an appropriate agreement between the Government of Germany, the United Nations, and the Convention secretariat.

10. This agreement would extend the general provisions of the agreement of 10 October 1995, in particular those pertaining to privileges and immunities. It would also cover the particular aspects that are specific to the functioning of the Convention secretariat, inter alia, relative to the hosting of intergovernmental meetings and access of participants thereto. However, in order for the Executive Secretary to execute such an agreement, the questions of juridical personality and legal capacity of the Convention secretariat need to be clarified.

11. The Executive Secretary requested advice on this matter from the Office of Legal Affairs. The relevant paragraphs of the advice received on 18 December 1995 from that Office are reproduced below:

> *"1. This is with reference to your ... seeking our views ... on the question of juridical personality and legal capacity of the Secretariat under the United Nations Framework Convention on Climate Change (hereinafter "the Convention Secretariat").*
>
> *2. The Convention Secretariat is one of the bodies foreseen in this instrument. Thus, in accordance with paragraph 2 of Article 7, the Conference of the Parties is "the supreme body of [the] Convention. Furthermore, the Convention established a subsidiary body for scientific and technological advice (Article 9), a subsidiary body for implementation (Article 10) and, finally, a financial mechanism (Article 11). Our analysis of both the legal nature and functions of these bodies indicates that they have certain distinctive elements attributable to international organizations. However, it is clear that none of these bodies is de jure a UN subsidiary organ.*
>
> *3. As you will recall, in accordance with our previous advice regarding the arrangements for the first meeting of the Parties of the Convention, the relevant conference agreement was concluded between the Secretariat of the Convention and the Government of Germany. This advice was based, inter alia, on the provisions of paragraph 2(f) of Article 8 which empowered the Secretariat to "enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions" (emphasis added).*
>
> *4. However, none of the above-referenced bodies of the Convention has been duly vested by the Parties with a clear juridical personality on the international plane. Nor have the entities established by the Parties been accorded the appropriate privileges and immunities, including immunity from legal process.*
>
> *5. In view of the distinct nature of the Convention bodies and notwithstanding the fact that the Convention Secretariat is "institutionally linked to the United Nations", the legal regime enjoyed by the United Nations under applicable agreements cannot be automatically attached to the Convention Secretariat. Therefore, it would, in our view, be appropriate to clarify the ambiguity concerning the nature and legal status of the Convention Secretariat under international law which would help to focus the forthcoming discussions with Germany on the mutatis mutandis applicability of the*

recently concluded UNV Headquarters Agreement to the Convention Secretariat. One possible way of clarifying this ambiguity would be if the Conference of the Parties or the Subsidiary Body for Implementation takes a decision conferring the required juridical personality and legal capacity upon the Convention Secretariat and according it such privileges and immunities as are necessary for the fulfilment of its purposes.

6. In the context of this approach, I would like to draw your attention to decision VI/16 taken in October 1994 by the sixth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer clarifying the nature and legal status of the Multilateral Fund as a body under international law and, in particular, conferring upon it juridical personality and the legal capacities to enter into contractual arrangements, acquire and dispose of movable and immovable property and institute legal proceeding. By the same decision, the fund was vested with the necessary privileges and immunities, and its officials were also accorded such privileges and immunities as are necessary for the independent exercise of their functions."

12. The text of the decision cited in paragraph 6 of the text quoted in paragraph 11 above is as follows:

"Decision VI/16. Juridical personality, privileges and immunities of the Multilateral Fund

Recalling *decision IV/18 of the Fourth Meeting of the Parties, which established the Financial Mechanism, including the Multilateral Fund for the Implementation of the Montreal Protocol, provided for in Article 10 of the Montreal Protocol, as amended in London on 29 June 1990,*

To clarify the nature and legal status of the Fund as a body under international law as follows:

(a) Juridical personality: *The Multilateral Fund shall enjoy such legal capacity as is necessary for the exercise of its functions and the protection of its interests, in particular the capacity to enter into contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings in defence of its interests;*

(b) Privileges and immunities:

(i) The Fund shall, in accordance with arrangements to be determined with the Government of Canada, enjoy in the territory of the host country, such privileges and immunities as are necessary for the fulfilment of its purposes;

(ii) The officials of the Fund Secretariat shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Multilateral Fund."

13. The completion of the legal arrangements for establishing the Convention secretariat in Bonn has become urgent, in that the relocation is now due to start at the beginning of August 1996. It would be necessary for an agreement covering, inter alia, the privileges and immunities of the Convention secretariat and its staff to be in effect as early as possible before then. Account should be taken of the fact that some time - at least six to ten weeks - would be needed, after the signature of such an agreement for the necessary procedures to be completed by the Government of Germany. Accordingly, it is hoped that, despite the short notice, which is regretted, the SBI will be able to take the necessary enabling action at this session.

14. With regard to the clarification of the juridical personality and legal capacity of the Convention secretariat, the SBI may wish to adopt a decision on the lines of that cited in paragraph 12 above, subject to endorsement by the COP at its second session. The text of such a decision can be made available at short notice. If such a decision cannot be adopted during the current session, the SBI is invited to endorse the approach advised by the United Nations Office of Legal Affairs and to recommend the adoption of a decision by the COP, at the start of its second session.

15. Furthermore, in order to advance the conclusion of the agreement regarding the establishment of the Convention secretariat in Bonn, the SBI is invited to endorse the intention of the Executive Secretary to conclude and sign, with the United Nations and the Government of Germany, an appropriate agreement that applies, mutatis mutandis, the terms of the agreement entered into on 10 October 1995 between the United Nations and the Government of Germany regarding the headquarters of UNV. This would be consistent with Article 8, paragraph 2 (f), of the Convention.

16. It would be the further intention of the Executive Secretary to consult the Chairman and Officers of the SBI before signing an agreement.

III. MANAGEMENT OF THE COMMON PREMISES IN BONN

17. On 13 February 1996, an agreement was signed between the United Nations and the Government of Germany establishing the terms and conditions under which that Government transferred permanently to the United Nations the right to use and to occupy, free of rent, the premises to be used by UNV, the Convention secretariat and other offices of the United Nations established in Bonn.

18. The agreement specifies that the United Nations shall make available appropriate space in their premises to the Convention secretariat. It also contains specific provisions with regard to, inter alia, the occupancy and use of the premises, their maintenance, public and other services for the premises and the settlement of disputes.

19. The agreement establishes that the terms and conditions under which the premises shall be occupied and used by the intergovernmental entities institutionally linked to the United Nations (such as the Convention secretariat) would be determined in separate arrangements between the United Nations and such entities. Furthermore, the agreement provides for the United Nations to designate a representative for the purposes of this agreement, thus becoming the focal point for managing the premises and interacting with the host Government thereon. Subsequently, the United Nations designated the United Nations Development Programme (UNDP) to carry out this function.

20. Accordingly, the Executive Secretary of the Convention secretariat has started discussions with UNDP to conclude arrangements regarding the occupancy, use and maintenance of the premises and for sharing of the associated costs.

IV. PRACTICAL ARRANGEMENTS FOR THE RELOCATION OF THE SECRETARIAT

21. The Convention secretariat is engaged with its counterparts in the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) in completing practical arrangements for the relocation and coordinating these with UNDP/UNV. On the German side, the lead Ministry is the Federal Ministry for Cooperation (BMZ).

22. The new offices of the Convention secretariat will be in the future United Nations premises in Bonn, known as "Haus Carstanjen", on the left bank of the Rhine in Plittersdorf, an area close to relevant Government offices including the BMU. The street address is: Martin-Luther-King-Strasse 8, D-53175 Bonn. This address will be effective in August, and will be complemented by a post office box, as well as new telephone, telefax, and electronic mail addresses. These will be communicated to Parties and observers as soon as they are obtained and the dates when they become effective will be indicated.

23. The Government of Germany is undertaking a major renovation of the premises. In addition, in fulfilment of its specific offer to the COP, the Government of Germany will furnish and equip the offices of the Convention secretariat, providing them, inter alia, with state-of-the-art computer and telecommunications equipment.

24. It is expected that renovated offices in Haus Carstanjen will start to be available from 1 July 1996, while the full set of offices destined for the Convention secretariat should be ready by 15 September. Consequently, some staff moving in August will be accommodated in temporary offices for a time.

V. FINANCIAL ARRANGEMENTS

25. As part of its overall commitment to host the secretariat in Bonn, the Government of Germany will be covering the one-time costs of the relocation and installation of the offices of the Convention secretariat, the staff, their families and their personal effects, as well as the above-mentioned costs related to the refurbishing and equipment of the secretariat offices.

26. In addition to the above costs, the Government of Germany has agreed to provide to the Convention secretariat, on an annual basis, a supplementary contribution of DM3.5 million to cover the costs of various events related to the implementation of the work programme of the Convention in Bonn. The modalities for the first payment of this grant are currently being discussed; they are referred to in document FCCC/SB/1996/6 on institutional and budgetary matters.

VI. IMPACT ON STAFF

27. The decision to start the move to Bonn in August was taken in the light of the schedule of COP 2, the availability of office space and the preferences of staff. Some staff will move later in the year; others will stay on for a while in Geneva prior to leaving the secretariat. The full impact of the relocation on the availability of existing staff to work in Bonn will not be known until the end of March, which is the deadline for the remaining uncertainties to be resolved.

28. The relocation to Bonn has mobilized the interest and activity of all staff members concerned. A "Bonn Task Force" has been elected to ensure that staff interests are kept to the fore in all aspects of the move and to facilitate the resettlement of staff and their families in Bonn.

29. Evidently, preparations for this resettlement - as well as employment planning for those not joining the move - are starting to consume a considerable amount of staff time. This diversion of effort will peak when the move actually takes place and in the months thereafter. The vacancies caused by the departure of some staff members will also reduce productivity for a while. It will be some time before normal productivity is restored.

VII. LIAISON ARRANGEMENTS

30. From its Geneva base, the Convention secretariat has built up a system of communication with the Parties to the Convention through the Permanent Missions to the United Nations Office at Geneva or, in the absence of such missions, through the Permanent Missions to the United Nations in New York. The relocation of the secretariat to Bonn will require changes to these lines of communication in many cases.

31. The secretariat will shortly invite each Party to indicate its preferred channel of communication with the secretariat in Bonn, taking into account, inter alia, the location of its embassy in Germany both now and in the future.

32. In addition, the secretariat is exploring the possibility of maintaining some liaison capacity in Geneva, at least until the end of 1997. The purpose of this capacity would be not only to maintain contact with those Parties that may wish to continue to cover the Convention from their Geneva missions for a transitional period, but also to be a working contact with the United Nations Office at Geneva, which will continue to be the source of administrative and conference services for the secretariat in Bonn. Moreover, it would facilitate liaison by the secretariat with Geneva-based programmes and activities related to climate change and reduce the need for travel to participate in meetings in Geneva.

33. The cost effectiveness of such an arrangement will be assessed before any definitive action is proposed. The possibility will be explored in this connection of assuring this liaison jointly with the secretariat of the Convention on Biological Diversity and any other interested entities. Such a joint arrangement would be economical.

34. A further report on these matters will be submitted to the COP at its second session. Meanwhile, Parties and the SBI may wish to give preliminary reactions to the ideas put forward.

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Item 8 of the provisional agenda

ARRANGEMENTS FOR THE SECOND SESSION OF THE CONFERENCE OF THE PARTIES INCLUDING ELEMENTS FOR A PROVISIONAL AGENDA

Note by the secretariat

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I. INTRODUCTION

A. Mandate

1. Article 8.2 of the Convention provides that the functions of the secretariat shall be, *inter alia*, "to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required."

2. At its meeting held on 31 October 1995, the Bureau of the Conference of the Parties (COP) decided that the second session of the Conference of the Parties (COP 2) would be held within the period of 8 to 19 July 1996, at the Palais des Nations, Geneva. In this connection, it will be recalled that all subsidiary bodies are also scheduled to meet within that sessional period. The Bureau further decided that the secretariat would prepare, in consultation with the Bureau, a paper on all aspects of COP 2 that would be considered at the second session of the Subsidiary Body for Implementation (SBI), in February 1996, in the context of an agenda item on arrangements for COP 2.

B. Scope of the note

3. Accordingly, the secretariat has consulted the Bureau before submitting the present note to the SBI. This note contains information on organizational matters for COP 2, and it provides a list of possible elements for a provisional agenda for the session.

C. Possible action by the Subsidiary Body for Implementation

4. Guidance is invited from the SBI on the matters raised in this note, in particular on: (a) the provisional agenda for COP 2; (b) consultations on the composition of the Bureau for COP 2; and (c) the organization of the work of COP 2, including the possibility of holding a high-level or ministerial segment and providing for a general discussion as part of that segment.

II. NOTES ON ORGANIZATIONAL MATTERS

A. Participation

Notification and attendance

5. Rule 5 of the draft rules of procedure of the COP and its subsidiary bodies provides that "the secretariat shall notify all Parties of the dates and venue of a session at least two months before the session is held" (see A/AC.237/L.22/Rev.2 and FCCC/CP/1995/2). Formal notification of the second session will be communicated in due course to all Parties through the Permanent Missions in Geneva, or the Permanent Missions in New York of Parties not represented in Geneva, or the Ministries of Foreign Affairs of Parties not represented in Geneva or New York, as well as to States not parties to the Convention.

The notification will request that the representatives of Parties be provided by their Governments with full powers to participate in the session, including the possibilities to vote and to serve as officers of the second session and of any sessional bodies, and as officers of the subsidiary bodies established by the Convention.

6. As regards attendance, since all subsidiary bodies will also meet during the sessional period, it is recommended that Parties include in their delegations, whenever possible, representatives with expertise in the various economic, social, scientific and environmental fields that are relevant to the objective of the Convention.

7. It should be noted that, in accordance with Article 23, States that wish to participate in COP 2 as Parties, from the opening day (8 July 1996), should deposit their instruments of ratification or accession by 9 April 1996 at the latest. Such instruments should be received by that date by the Secretary-General of the United Nations as Depositary of the Convention (Treaty Section, Room S-3200A, Office of Legal Affairs, United Nations Headquarters, New York).

Financial support for participation

8. At recent sessions of Convention bodies, the resources available to the special voluntary fund for participation established under General Assembly resolution 45/212 generally permitted the secretariat to offer funding to one delegate each from all eligible Parties, giving priority to those that are least developed or small island developing States selected as eligible for funding. In accordance with decision 15/CP.1, * a new trust fund for facilitating the participation of Parties in the work of the Convention has been established by the Secretary-General of the United Nations. It is to be hoped that contributions to this trust fund will be forthcoming in the next few months so as to allow the secretariat to fund two delegates from each eligible Party to attend COP 2, especially in view of the heavy workload of the sessional period. Should that prove not to be possible, an effort would still be made to fund two delegates each from least developed countries and eligible small island developing States, and one delegate each from all other eligible Parties.

Credentials

9. In accordance with rule 19 of the draft rules of procedure, the credentials of representatives of Parties, as well as the names of alternate representatives and advisers, shall be submitted to the secretariat not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. The Bureau of COP 1 shall

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* For decisions adopted by the Conference of the Parties at its first session, see document FCCC/CP/1995/7/Add.1.

examine the credentials and submit its report to the Conference (see rule 20 of the draft rules of procedure). It should also be noted that representatives shall be entitled to participate provisionally in the session, pending a decision by the COP to accept their credentials (see rule 21 of the draft rules of procedure).

B. Rules of procedure

10. As the Conference of the Parties did not adopt its rules of procedure at its first session, it decided at that session: (a) to request the President to conduct consultations on the subject with the various geographical groups and interested parties, and report back to it; and (b) to apply the draft rules of procedure to its work, pending the results of the President's consultations on the draft rules. The President of the first session of the COP will report to the second session on the results of her consultations.

C. Agenda

11. Rule 9 of the draft rules of procedure provides that, "in agreement with the President, the secretariat shall draft the provisional agenda of each session." In this connection, the Bureau, at its meeting on 31 October 1995, decided that the secretariat should proceed with the preparation of a draft provisional agenda for COP 2 that would be kept under review by the Bureau and included in the document on arrangements for COP 2 to be submitted to the SBI. The Bureau further decided that a thematic approach should guide the preparation of the provisional agenda.

12. In accordance with this decision, a list of possible elements for a provisional agenda is contained in annex I to this document. In order to facilitate the work of COP 2, the secretariat has attempted to organize the elements in such a way as to reflect an agenda that distinguishes between: (a) political stock-taking (including a review of the work of the Ad Hoc Group on the Berlin Mandate (AGBM)); (b) substantive decisions needed to advance the Convention process; (c) progress reports from the other subsidiary bodies on matters not requiring specific decisions and guidance to these bodies on their work programmes and priorities; (d) administrative and financial matters; and (e) organizational and procedural matters. The SBI may wish to express its views on this approach to a provisional agenda.

D. Officers

13. It will be recalled that rule 22 of the draft rules of procedure provides that "at the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing States. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups." Rule 22 further states that "no officer may serve on the Bureau for more than two consecutive terms of one year."

14. The President of the first session of the COP will open and preside over the second session until it has elected a President for the session (see rules 23 and 26 of the draft rules of procedure). In keeping with the principle of rotation among the five regional groups, it would be the turn of the Group of African States to provide a representative for the presidency of the second session. Preliminary consultations indicate a readiness by the Group of African States to accept that responsibility. Further consultations will be required to determine the composition of the Bureau of COP 2, as well as the officers of the subsidiary bodies as appropriate.

15. The elected President of the second session will invite the Conference to elect the remainder of its officers and the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention. Rule 27 of the draft rules of procedure provides that "each subsidiary body shall elect its own Vice-Chairman and Rapporteur." It is proposed that, if there is agreement on the nominations for these officers of subsidiary bodies, the precedent of the first session be followed and the provisions of rule 27 be waived to allow these officers to be elected directly by the Conference in plenary session.

E. Admission of organizations as observers

16. The admission of intergovernmental and non-governmental organizations as observers is governed by Article 7.6 of the Convention, which provides, *inter alia*, that "any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object."

17. At its first session, the COP agreed (FCCC/CP/1995/7, para. 22), on the proposal of the President, that the secretariat should invite to the future sessions of the Conference and of its subsidiary bodies all intergovernmental and non-governmental organizations admitted at that session and at future sessions, unless an objection was raised to any particular organization in accordance with the Convention and the rules of procedure. Consequently, all the organizations admitted to the first session will be invited to attend the second session, and the procedure for admission to the Conference of the Parties will apply to new applicants only.

18. Following the precedent of COP 1, the secretariat will prepare a list of intergovernmental and non-governmental organizations that have expressed a wish to be invited to COP 2 for consideration by the Conference at the start of the session. In drawing up the list, the secretariat will take due account of the provisions of Article 7.6 and of the established practice whereby non-governmental organizations are required to furnish proof of their non-profit (tax-exempt) status in a State Member of the United Nations or of a specialized agency or of the International Atomic Energy Agency. The list will include all organizations that have requested and been accorded provisional admission to the work of the subsidiary bodies since COP 1.

19. As organizations will learn of the status of their application only after the second session has opened, and since many such organizations will have to make their travel plans to Geneva in advance, the following procedure is proposed in order to ease that process for applicants. The SBI may request the COP Bureau to consider the list of applicants prior to the second session with a view to establishing that the organizations contained in the list do meet all requirements, and to authorize the secretariat to advise those applicants of their "pre-admittance status", on the understanding that the final authority for the admission of observers rests with the COP.

F. Organization of work

Allocation of tasks

20. Considering that the four subsidiary bodies have had their respective mandates spelled out by the COP and are required to report to it on the implementation of those mandates, it would seem appropriate for the second session of the COP to address the various items on its agenda on the basis of the work done by the subsidiary bodies. This would preclude the need for creating a sessional committee of the whole, which was needed at the first session but which would place additional pressure on an already overburdened schedule at the second session. At its meeting on 31 October 1995, the Bureau of the COP recommended that, in order to make it possible for the four subsidiary bodies to meet within the sessional period of 8 to 19 July, as previously decided, it would be necessary for COP 2 to open on 8 July and then suspend its plenary meetings until the middle of the following week (17 July).

21. The SBI may wish to suggest to COP 2 that it consider the items on its agenda, in plenary session, on the basis of either draft decisions submitted to it by the subsidiary bodies, or progress reports from the same bodies that clearly indicate where further action by, or mandates from, the COP would be needed. Should further work prove necessary on any given item after the subsidiary bodies have adjourned their sessions, the COP may wish to delegate such work, as appropriate, to contact groups.

22. Guidance is also sought from the SBI on the question of whether it would be useful for COP 2, in view of its agenda and programme of work, to have a high-level or ministerial segment. The SBI may wish to request its Chairman to consult the coordinators of the various regional groups and members of the COP Bureau on this issue and report back to it in the course of the current session. The secretariat will need timely guidance on this matter in order to organize COP 2 in consequence.

Schedule of meetings

23. The Chairman of the Ad Hoc Group on Article 13 informed the Bureau on 31 October that the Group had decided to forgo holding its second session within the period of 26 February to 8 March 1996 to allow more time for preparation. The Group expressed the wish to hold its second session in the July 1996 sessional period and to have three days available to it at that time.

24. Having taken into account the points outlined above, the secretariat has drawn up a tentative schedule of meetings for the sessional period (see annex II to this note). The COP would open in plenary session on 8 July, and then turn to the subsidiary bodies, and finally revert to its plenary on 17 July for action to be taken on draft decisions and progress reports submitted to it by the subsidiary bodies. In order to accommodate all four subsidiary bodies and the needs emanating from their respective programmes of work, as well as the plenary meetings of the COP, it will be necessary to return to the practice of holding parallel meetings. Nevertheless, the number of meetings taking place simultaneously would be limited to two.

G. Statements

25. At the opening plenary meeting on 8 July, statements will be made by the outgoing President of the first session of the Conference, the newly-elected President of the second session, the executive heads of partner organizations invited to do so, and the Executive Secretary.

26. Items 5 and 6 of the proposed list of possible elements for a provisional agenda, taken together, would provide an opportunity for general statements in plenary should it be decided to hold a general discussion. The question of holding a general discussion is linked to that of a high-level or ministerial segment, since participants in such a segment often expect an opportunity to make a general policy statement. The SBI may wish to give its advice on this question.

27. As has been the practice in previous sessions of Convention bodies, representatives of States not Parties to the Convention, and of intergovernmental and non-governmental organizations would be given the opportunity to address the plenary of the COP under agenda item 3 (b) entitled "Other statements". This could be done at the second plenary meeting on 8 July.

H. Special events

28. As was the case at COP 1, it is expected that a number of special events, held in parallel to the COP, will be organized by Parties, as well as by observers. In this connection, the Government of Canada has offered to organize a Climate Change Technology Exhibit with participation open to private sector organizations from all countries that are Parties to the Convention, although exhibitors would be expected not to engage in commercial transactions. The proposal draws on the experience gained from Canada's support of similar exhibits at the first two sessions of the Conference of the Parties to the Convention on Biological Diversity. The exhibit would be implemented by a consultant working under contract for the Government of Canada and reporting to a government interdepartmental working group. The secretariat of the United Nations Framework Convention on Climate Change would be consulted on all aspects regarding the implementation and promotion of the exhibit.

Annex I

SECOND SESSION [1] OF THE CONFERENCE OF THE PARTIES:
POSSIBLE ELEMENTS FOR A PROVISIONAL AGENDA

1. Opening of the Conference.

2. Election of the President.

3. Statements:

   (a) Statements at the opening of the session;
   (b) Other statements.

4. Organizational matters:

   (a) Status of ratification of the Convention, including declarations made under Article 4.2 (g);
   (b) Adoption of the rules of procedure;
   (c) Adoption of the agenda;
   (d) Election of officers other than the President;
   (e) Admission of organizations as observers;
   (f) Organization of work; [2]
   (g) Calendar of meetings of Convention bodies 1996-1997;
   (h) Date and venue of the third session of the Conference of the Parties;
   (i) Adoption of the report on credentials.

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[1] The second session of the Conference of the Parties (COP 2) is scheduled to open in plenary session, on Monday, 8 July 1996; the plenary will then be suspended until Wednesday, 17 July to allow for the sessions of the four subsidiary bodies to take place during that interval. The subsidiary bodies will provide inputs, including draft decisions, for the various items on the COP 2 agenda. The plenary will deal with these inputs, conclude negotiations and adopt conclusions and decisions in the period of 17 to 19 July.

[2] The present list of possible elements for a provisional agenda does not prejudge a decision on organizing COP 2 on the basis of segments, including a high-level or ministerial segment, as at COP 1, nor on holding a general discussion during that segment.

5. Implementation of the commitments in Article 4 of the Convention and of the related decisions of the first session of the Conference of the Parties, [3] including:

   (a) The development and the transfer of technologies (Article 4.1(c) and 4.5). [4]

6. The Berlin Mandate process: taking stock and intensifying efforts. [5]

7. Decisions to advance the Convention process:

   (a) Communications by Parties:

      (i) Methodological questions;

      (ii) Communications from Annex I Parties: guidelines and process for consideration;

      (iii) Communications from the Parties not included in Annex I: guidelines, facilitation and process for consideration;

   (b) Activities implemented jointly under the pilot phase;

   (c) Inventory and assessment of technologies: further work;

   (d) Intergovernmental technical advisory panel(s);

   (e) Cooperation with the Intergovernmental Panel on Climate Change;

   (f) Financial mechanism:

      (i) Report by the Council of the Global Environment Facility;

      (ii) Memorandum of Understanding between the Conference of the Parties and the Council of the Global Environment Facility.

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[3] The second compilation and synthesis of first national communications by Annex I Parties will be one of the main documents informing the discussions under this item.

[4] See decision 13/CP.1, paragraph 4 (a).

[5] The report of the AGBM would be considered under this item and guidance given on its work programme and priorities.

8. Subsidiary bodies: progress reports and guidance on work programmes and priorities: [6]

   (a) Report of the Subsidiary Body for Scientific and Technological Advice;

   (b) Report of the Subsidiary Body for Implementation;

   (c) Report of the Ad Hoc Working Group on Article 13.

9. Administrative and financial matters:

   (a) Establishment of the permanent secretariat and arrangements for its functioning;

   (b) Other voluntary funding for the biennium 1996-1997;

   (c) Convention budget for the biennium 1996-1997 -- income and budget performance, and resource deployment for 1997.

10. Other matters.

11. Conclusion of the session:

   (a) Adoption of the report of the Conference of the Parties on its second session;
   (b) Closure of the session.

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[6] See footnote 5 to item 6.

Annex II

SECOND SESSION OF THE CONFERENCE OF THE PARTIES
8 TO 19 JULY 1996

TENTATIVE SCHEDULE OF MEETINGS

WEEK 1:

	8/7	9/7	10/7	11/7	12/7
A.M.	COP Plenary	SBSTA / AG13	SBSTA / AG13	SBSTA / AG13	AGBM / SBI
P.M.	COP Plenary / AG13	SBSTA / AG13	SBSTA / AG13	SBSTA / AGBM	AGBM / SBI

WEEK 2:

	15/7	16/7	17/7	18/7	19/7
A.M.	AGBM / SBI	AGBM / SBI	COP Plenary / *	COP Plenary / *	COP Plenary / *
P.M.	AGBM / SBI	AGBM / SBI	COP Plenary / *	COP Plenary / *	COP Plenary / *

* Possibility for informal consultations and COP contact groups, as appropriate.